

**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

In re:	)	Case No. 18-10514 (AIH)
	)	
WILSON LAND PROPERTIES, LLC,	)	Chapter 7
	)	
Debtor.	)	Judge: ARTHUR I. HARRIS

**MOTION OF TRUSTEE TO SELL REAL PROPERTY FREE AND CLEAR OF  
LIENS, ENCUMBRANCES AND OTHER INTERESTS PURSUANT TO  
11 U.S.C. § 363, AND FOR APPROVAL OF SALE PROCEDURES  
(Real Property located at 8635 East Avenue, Mentor, Ohio 44060)**

Sheldon Stein, the Trustee in the within bankruptcy case, respectfully moves this Court for an order authorizing the sale, free and clear of liens, encumbrances, and other interests, of real property belonging to the within bankruptcy estate, and for approval of sale procedures in the event of competing bids, and states in support thereof as follows:

1. This case was commenced by the filing of a voluntary petition for relief under chapter 11 of the Bankruptcy Code on January 31, 2018; and the case was converted to a chapter 7 case on July 3, 2019 (the “Debtor’s Case”).

2. The Movant is the duly appointed Chapter 7 Trustee in the within bankruptcy case (the “Trustee”).

3. At the time of the commencement of the Debtor’s Case, the Debtor was the owner of or had an ownership interest in real property located at 8635 East Avenue, Mentor, Ohio 44060, Parcel Number 16-B-052-P-00-001-0, and more fully described on Exhibit “A” attached hereto and incorporated herein by reference (the “Real Property”).

4. The Trustee proposes to sell the Real Property to Pick Properties LLC for the sum of \$172,000.00, pursuant to the Real Estate Purchase Agreement attached hereto as Exhibit “B” and

incorporated herein by reference (the “Purchase Agreement”). The earnest money deposit of ten percent (10%) of the purchase price referenced in the Purchase Agreement is being remitted to the Trustee (it may be placed in escrow). There is no financing contingency, and the property is being sold “as is” with no warranties by the Trustee.

5. Based on title reports available to the Trustee, the applicable liens, claims and interests in and to the Real Property are believed to be the following:

- (a) The undisputed lien of the Treasurer of Lake County, Ohio, for real estate taxes and assessments, the amount of which will be determined and paid at the time of sale closing, and paid directly from the sale proceeds.
- (b) An oil and gas lease in favor of Osborne Brother Welding Supply Profit Sharing Trust, filed for record June 30, 1982. The Real Property is being sold subject to this oil and gas lease.

The sale is subject to all easements of record.

6. The Trustee should be authorized to sell the Real Property free and clear of all liens, encumbrances and other interests pursuant to 11 U.S.C. § 363(b) and (f) (but subject to all easements of record), with the liens and claims transferred to the proceeds of sale. The only known lienholder, the Treasurer of Lake County, Ohio, will be paid in full from the sale proceeds. A prompt sale is in the best interests of the bankruptcy estate at the present time, due to costs, expenses and fees associated with the Real Property.

7. This Court has previously ordered that the commissions and fees of *Ag Real Estate Group, Inc.*, and the fees and expenses of a Management Agreement with *Ag Real Estate Group, Inc.*, be paid from the proceeds of sale without further Order. *See* Docket Nos. 183 and 194.

8. The Trustee believes other parties may submit competing offers or bids for the Real Property. The Trustee requests that any party with a competing offer submit a response or

objection to this Motion. Should there be any competing bids for the Real Property, the Trustee requests approval of the following sale procedures:

- (a) Any competing offer must be on the same terms and conditions of the initial sale offer received by the Trustee and set forth in Exhibit “B” attached hereto, including but not limited to no financing conditions of any kind, and no contingencies for inspections, investigation or walk-throughs..
- (b) Any competing offer must be cash only, to avoid any financing contingency.
- (c) Any competing offer must be at least \$15,000.00 higher than the initial offer set forth in Exhibit “B.” Thereafter, any increase in bids/offers should be in minimum increments of \$5,000.00 each.
- (d) Any party making a competing offer shall be required to show the Trustee the immediately available cash needed to close a sale at the amount of the highest bid, at the time the competing bid is made.
- (e) For the successful bidder, the sale must close within ten (10) business days following the entry of the Bankruptcy Court’s Order authorizing the sale.

WHEREFORE, the Trustee respectfully requests that his motion be granted, that he be authorized to sell the Real Property described above at private sale, free and clear of all liens, encumbrances and other interests pursuant to 11 U.S.C. § 363(b) and (f) (but subject to all easements of record), and that all liens and claims to the Real Property, as described above, be transferred to the proceeds of sale. The Trustee further requests approval of the sale procedures, in the event of competing bids, set forth above.

Respectfully submitted,

/s/ Robert D. Barr  
Robert D. Barr (#0067121)  
KOEHLER FITZGERALD LLC  
1111 Superior Avenue East, Suite 2500  
Cleveland, Ohio 44114  
Phone: (216) 744-2739 ; Fax: (216) 916-4369  
Email: [rbarr@koehler.law](mailto:rbarr@koehler.law)  
Attorney for Sheldon Stein, Chapter 7 Trustee

## **CERTIFICATE OF SERVICE**

I certify that on December 18, 2020, a true and correct copy of the foregoing Motion for Authority to Sell Real Property Free and Clear of Liens was served:

**Via the Court's Electronic Case Filing System on these entities and individuals who are listed on the Court's Electronic Mail Notice List:**

Sheldon Stein, Trustee, at [ssteindocs@gmail.com](mailto:ssteindocs@gmail.com)

Robert D. Barr, Attorney for the Trustee, at [rbarr@koehler.law](mailto:rbarr@koehler.law)

Glenn E. Forbes, on behalf of the Debtor, at [bankruptcy@geflaw.net](mailto:bankruptcy@geflaw.net)

Michael J. Sikora, II, on behalf of Creditor Chicago Title Insurance Corporation, at [msikora@sikoralaw.com](mailto:msikora@sikoralaw.com)

Michael S. Tucker, on behalf of Creditor Citizens Bank, N.A., at [mtucker@ulmer.com](mailto:mtucker@ulmer.com)

Scott D. Fink, on behalf of Creditor Eriebank, a division of CNB Bank, at [ecfndoh@weltman.com](mailto:ecfndoh@weltman.com)

Gregory P. Amend, on behalf of Creditor First National Bank of Pennsylvania, at [gamend@bdblaw.com](mailto:gamend@bdblaw.com)

Matthew H. Matheney, on behalf of Creditor First National Bank of Pennsylvania, at [mmatheney@bdblaw.com](mailto:mmatheney@bdblaw.com)

Nathaniel R. Sinn, on behalf of Creditor First National Bank of Pennsylvania, at [nsinn@bdblaw.com](mailto:nsinn@bdblaw.com)

Douglas M. Eppler, on behalf of Creditor Huron River Properties, Inc., at [deppler@walterhav.com](mailto:deppler@walterhav.com)

Kirk W. Roessler, on behalf of Creditor Huron River Properties, Inc., at [kroessler@walterhav.com](mailto:kroessler@walterhav.com)

Austin B. Barnes, III, on behalf of Creditor Tax Ease Ohio, LLC, at [abarnes@sandhu-law.com](mailto:abarnes@sandhu-law.com)

Andrew M. Tomko, on behalf of Creditor Tax Ease Ohio, LLC, at [atomko@sandhu-law.com](mailto:atomko@sandhu-law.com)

Kelly Neal, on behalf of Creditor The Huntington National Bank, at [Kelly.neal@bipc.com](mailto:Kelly.neal@bipc.com)

Timothy P. Palmer, on behalf of Creditor The Huntington National Bank, at [timothy.palmer@bipc.com](mailto:timothy.palmer@bipc.com)

Phyllis A. Ulrich, on behalf of Creditor The Huntington National Bank, at [bankruptcy@carlisle-law.com](mailto:bankruptcy@carlisle-law.com)

Kari B. Coniglio, Chapter 7 Trustee for Richard M. Osborne, at [kbconiglio@vorys.com](mailto:kbconiglio@vorys.com)

Elia O. Woyt, Attorney for Kari B. Coniglio, Trustee, at [ewoyt@vorys.com](mailto:ewoyt@vorys.com)

Jeffrey M. Levinson, Attorney for Osair, Inc. and Walton Hills Green Transport, LLC, at [jml@jml-legal.com](mailto:jml@jml-legal.com)

Michael J. Moran, Attorney for Diane Osborne, at [mike@gibsonmoran.com](mailto:mike@gibsonmoran.com)

Maria D. Giannirakis on behalf of the United States Trustee, at [maria.d.giannirakis@usdoj.gov](mailto:maria.d.giannirakis@usdoj.gov)

**And by regular U.S. mail, postage prepaid, to:**

The Ag Real Estate Group, Inc.  
Attn: Eric Silver  
3659 S. Green Road, Suite 216  
Beachwood, OH 44122

Pick Properties LLC  
c/o Ivaca Cacic  
1978 Bremerton  
Lyndhurst, OH 44124

Richard M. Osborne  
7020 Williams Road  
Concord, OH 44077

Frederic P. Schwieg, Esq.  
19885 Detroit Road #239  
Rocky River, OH 44116

Great Plains Exploration  
c/o Melvyn Resnick, Statutory Agent  
60 South Park Place  
Painesville, Ohio 44077

/s/ Robert D. Barr  
Robert D. Barr, Attorney